

Appl. No.: 09/880,574

Amendment Dated: 4/10/2006

Reply to OA of 1/10/06

**REMARKS**

This amendment is responsive to the Action dated January 10<sup>th</sup>, 2006. With this response, claims 1-54, as previously presented, remain pending. With this response, favorable reconsideration of the captioned application is respectfully requested

**§102(e) Rejection of Claims 1-3, 6-8, 12-14, 17-19, 23-25, 28-30, 33-35, 38-40, 44-46 & 49-51**

In paragraphs 2 and 3 of the Action, the Examiner maintained the §102(e) rejection of claims 1-3, 6-8, 12-14, 17-19, 23-25, 28-30, 33-35, 38-40, 44-46 and 49-51 first presented in the initial Action. In response, Applicant respectfully traverses the rejection of such claims.

Applicant respectfully submits that the Ramesh reference simply fails to teach each and every element of the rejected claims and, therefore, the Action has failed to establish a prima facie basis for such rejection. In addition to the arguments previously presented, incorporated herein by reference, Applicant further notes that Ramesh fails to teach or suggest for a communication channel at least the following:

- estimating a plurality of training channel responses for the plurality of training symbols. In contradistinction, Ramesh fails to teach or suggest estimating a plurality of training channel responses from a received signal. Rather, Ramesh merely describes estimating a single channel response (see, e.g., col. 7, lines 25-28).

- adapting an interpolator for generating a plurality of data channel responses for the plurality of data symbols by interpolating the plurality of training channel responses. In contradistinction, and further to Applicant's point in the last response, Ramesh fails to teach or suggest adapting an interpolator to generate a plurality of data channel responses for the received data symbols based on the training channel responses. Rather, Ramesh merely teaches the

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generation of a single channel response from which an interpolation filter is selected (col. 7, lines 28-38).

In responding to Applicant's arguments in the immediately past response, the Action asserts that "Ramesh indicates that the mobility characteristic 'can be communicated in a number of ways, including by broadcasting'...". Applicant respectfully submits that this does not overcome the fact that the Ramesh fails to anticipate Applicant's claimed approach.

Thus, Applicant maintains its argument that the Action has failed to establish a prima facie for the §102 rejection of such claims in view of the Ramesh document, in view of at least the limitations noted above and in past responses.

It is respectfully noted that anticipation under 35 USC § 102 requires the disclosure in a single prior art reference of each element of the claim under consideration. *See Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

However, it is not enough, that the prior art reference discloses all the claimed elements in isolation. "**The *identical invention* must be shown in as complete detail as is contained in the ... claim.**" *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131 (emphasis added).

In this case, Applicant respectfully submits that the Action has failed to establish a prima facie case of anticipation insofar as the Ramesh reference fails to disclose the *identical invention*. Accordingly, Applicant respectfully requests that the §102(e) rejection of, e.g., claim 1 be withdrawn.

Applicant notes that claims 6, 12, 17, 23, 28, 33, 38, 44 and 49 enjoy similar distinguishing features. Accordingly, Applicant respectfully submits that such claims are

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likewise patentable over the Ramesh document, and respectfully requests that the §102(e) rejection of such claims be withdrawn.

Claims 2, 3, 7, 8, 13, 14, 18, 19, 24, 25, 29, 30, 34, 35, 39, 40, 45, 46, 50 and 51 each depend from patentable base claims 1, 6, 12, 17, 23, 28, 33, 38, 44 or 49, respectively. Thus, in addition to any independent bases for the patentability of such claims, Applicant respectfully submits that such claims are patentable over the Ramesh reference by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §102(e) rejection of such claims be withdrawn.

**§103(a) Rejection of cl. 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48, 52- 54**

In paragraphs 4 and 5 of the Action, claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 were rejected as being obvious over the Ramesh document in view of a patent issued to Chan (USP 5,127,051). In response, Applicant respectfully traverses the rejection of such claims.

Applicant respectfully submits that the Chan reference is not cited as curing, nor does it cure the deficiencies in the Ramesh reference noted above. Accordingly, without accepting or adopting the characterization of the Chan reference provided in the Action, Applicant respectfully submits that claims 1, 6, 12, 17, 23, 28, 33, 38, 44 and 49 are not obvious in view of the Ramesh and/or the Chan references alone, or in combination.

Applicant notes that claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 depend from patentable base claims 6, 12, 17, 23, 28, 33, 38, 44 or 49, respectively. Accordingly, claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 are likewise patentable over the Ramesh and/or Chan references by virtue of at least such

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dependency. Accordingly, Applicant respectfully request that the §103(a) rejection of claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 be withdrawn.

**CONCLUSION**

Applicant respectfully submits that claims 1-54, as previously presented, are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,  
SAMPATH, ET AL.

Date: April 10, 2006

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